

Message

From: ECOS [ecos@ecos.org]
Sent: 12/14/2018 8:44:07 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: UPDATED LINKS: U.S. EPA Acts on WOTUS & Ozone as States Move on PFAS, Arsenic, & More

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U.S. EPA & Army Propose to Narrow ‘Waters of the United States’ Definition



This week, U.S. EPA and the Department of the Army announced a new proposed definition of “waters of the United States” intended to clarify federal authority under the Clean Water Act, and replace the Obama Administration’s 2015 definition. The proposal is the second of a two-step process to review and revise the current definition, as directed by President Trump in a February 2017 Executive Order.

Under the agencies' proposal, traditional navigable waters, tributaries to those waters, certain ditches, certain lakes and ponds, impoundments of jurisdictional waters, and wetlands adjacent to jurisdictional waters would be federally regulated. Waters that would not be classified as "waters of the United States" include: features that only contain water during or in response to rainfall (e.g., ephemeral features); groundwater; many ditches, including most roadside or farm ditches; prior converted cropland; stormwater control features; and waste treatment systems.

In response to requests from some states, EPA and the Army are exploring ways the agencies can work with their state, tribal, and federal partners to develop a data or mapping system that could clarify the understanding of the presence or absence of jurisdictional waters. The agencies will take comment on the proposal for 60 days following publication in the *Federal Register*. The pre-publication version is available [here](#) and fact sheets on the proposed rule are available [here](#). [Piper]

U.S. EPA Finds CSAPR States Meet 'Good Neighbor' Obligations for 2008 Ozone

On December 6, U.S. EPA finalized a determination that the 2016 Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) fully addresses the Clean Air Act's "good neighbor" requirements for 20 states with respect to the 2008 ground-level ozone standard.

Based on modeling released in 2017, EPA finds that once the 2016 CSAPR update is fully implemented, the 20 upwind states will not contribute significantly to nonattainment or interfere with the maintenance of the 2008 ozone standards in any downwind state. Thus EPA and the CSAPR-region states are not obligated to establish additional requirements for sources to further reduce transported ozone pollution.

For more information, please see EPA's [Final CSAPR Close-Out](#) webpage. [Poole]

Get a Jump on the New Year by Registering for the 2019 ECOS Spring Meeting



Get a jump on the New Year and register today for the 2019 ECOS Spring Meeting in Crystal City, Virginia. Join us **April 8-10** for a firsthand look at *Partnership in Action: Advancing Collaboration, Certainty, & Confidence!*

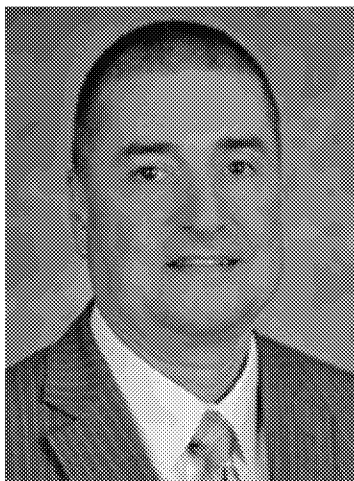
Having secured a seat at the table through the ECOS Cooperative Federalism 2.0 initiative, states now are working with U.S. EPA and other federal partners to deepen shared decision-making, shared problem-solving, and shared programmatic development. Featured speakers on these matters will include ECOS members, EPA Acting Administrator Andrew Wheeler (invited), and other federal officials and congressional leaders.

In the spirit of collaboration, the gathering also will include a dinner reception at the Canadian Embassy on **April 9**.

See the draft agenda and registration, hotel, and contact information [here](#). Register by **March 1** to take advantage of the early bird rate, and reserve at the special ECOS rate at the Renaissance Arlington Capital View Hotel by **March 18** or while supply lasts. [Parisien]

Transitions

Former Pennsylvania Leader Tapped to Head U.S. EPA Chesapeake Bay Program



Dana Aunkst

U.S. EPA announced this week the selection of Dana Aunkst, former Acting Secretary and Deputy Secretary of the Pennsylvania Department of Environmental Protection, as the new Director of EPA's Chesapeake Bay Program. Aunkst has 33 years of environmental and regulatory experience in private industry and local and state government. His appointment will be effective December 23.

For more information about the Chesapeake Bay restoration, click [here](#). [Parisien]



State News You Can Use

[Michigan Reports PFAS Progress at One-Year Mark of Initiative](#)

[Washington Launches New Online 'Dirt Alert' Map](#)

[Iowa Installs Stream Crossing Signs to Highlight Source Waters,
Promote Stewardship](#)

[New Tire Fees Fund Nevada Recycling Projects](#)

Funding

Appropriations Standoff Continues as December 21 Deadline Looms

With roughly one-quarter of the federal government, including U.S. EPA, under a Continuing Resolution (CR) that expires December 21, there does not appear to be an immediate path forward to resolve the dispute over funding for a border wall and pass 2019 Appropriations bills for the remaining agencies.

Yesterday, legislators left the Capitol for a long weekend, leaving as little as 72 hours (in the case of the House) to avert a partial government shutdown. Several versions of a funding arrangement are possible, including a one-year CR. However, if any of these options is the front-runner it is not clear to either the public or rank-and-file lawmakers.

Stay tuned for updates in next week's *ECOSWIRE*. [McAleer]

Need-to-Know News in Water & Waste

ASDWA Report Highlights State Drinking Water Funding Gaps

Area of Focus: Water

The Association of State Drinking Water Administrators (ASDWA) has released a report that investigates funding gaps for state drinking water programs: *Beyond Tight Budgets: The 2018 Resource Demands Report*.

The ASDWA board conducted a 2018 State Resource Demands Analysis to better understand the additional resource needs for states caused by increasing demands of non-regulatory activities. The report's analysis shows the growing demand for state drinking water programs and highlights the need for either additional funding or a reallocation of resources. [Piper]

U.S. EPA, USDA Encourage Use of Market-Based Approaches to Addressing Nutrients

Area of Focus: Water

U.S. EPA and the U.S. Department of Agriculture (USDA) last week issued a letter to state co-regulators that encourages increased engagement and a reinvigoration of state, tribal, and federal efforts to reduce excess nutrients in waterways, with a focus on market-based and other collaborative approaches. Approaches could include providing technical and financial support and participating in problem-solving at the local level to explore approaches including water quality credit trading, public-private partnerships, pay-for-success, supply chain programs, and more.

The effort is part of a larger collaboration to better coordinate and focus federal resources on some of the nation's most challenging water resource concerns, including addressing excess nutrients in waterways.

For more information, visit [this page](#). [Piper]

VIDA Signed into Law

Area of Focus: Water

Last week, President Trump signed into law S. 140, the *Frank LoBiondo Coast Guard Authorization Act of 2018*, which authorizes appropriations thru FY 2019 for the U.S. Coast Guard and the Federal Maritime Commission, reauthorizes the U.S. Department of Commerce's National Oceanic and Atmospheric Administration's hydrographic services program through FY 2023, and modifies the regulation of vessel incidental discharge and ballast water.

Title IX, the Vessel Incidental Discharge Act (VIDA), tasks U.S. EPA with setting discharge

standards for commercial vessel incidental discharges, including ballast water, and the Coast Guard with setting and enforcing compliance requirements.

While ECOS did not comment on this version of VIDA, the association did join other state associations in a [letter](#) of concern regarding a 2016 version. [Piper]

U.S. EPA Streamlines HazWaste Pharmaceuticals Regulations for Healthcare Sector

Area of Focus: Land and Waste

On December 12, U.S. EPA Acting Administrator Andrew Wheeler signed a final rule streamlining standards for managing hazardous waste pharmaceuticals in the healthcare sector.

The rule reaffirms EPA's policy that non-prescription pharmaceuticals and other unsold retail items that have a reasonable expectation of being used/reused or legitimately reclaimed are not solid waste. It also provides regulatory certainty that the Resource Conservation and Recovery Act applies when healthcare facilities send unused, unsaleable pharmaceuticals to reverse distributors to receive manufacturer credit. Simultaneously, the rule incorporates flexibilities to accommodate current business practices to facilitate its implementation.

For more information, click [here](#). [Parisien]



E-ENTERPRISE
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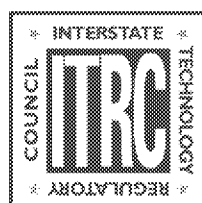
E-Enterprise for the Environment

[E-Enterprise](#)

***E-Enterprise Bulletin* Features Wheeler, Noteworthy Initiatives**

This month, E-Enterprise released the winter edition of the *E-Enterprise Bulletin*. This issue features a message from U.S. EPA Acting Administrator Andrew Wheeler as well as featured E-Enterprise projects including the Be Well Informed App and Smart Mobile Tools for Field Instructors. Readers can also learn about a number of exciting E-Enterprise developments, including a new effort to usher in a forward-looking digital strategy.

The quarterly newsletter spotlights activities led by the E-Enterprise partners – U.S. EPA, states, and tribes – and presents special interviews, project success stories, outreach highlights, and more. To subscribe, click [here](#). [Duke]



ITRC

Interstate Technology and Regulatory Council

ITRC Opens Registration for 2019 Annual Meeting in Boston



The Interstate Technology & Regulatory Council (ITRC), an ECOS affiliate, cordially invites you to attend its 2019 Annual Meeting. The meeting is open to all and will be held **March 25-28** in Boston, MA.

This gathering offers the only chance each year for all ITRC members convene to promote best environmental practices and further the work of the organization. This year's theme is *Stewards of Environmental Innovation*.

ITRC's new team topics for this year are: 1,4-Dioxane, Harmful Cyanobacterial Blooms, and Incremental Sampling Methodology. The group also will continue its three large teams from last year: PFAS, Implementing the Use of Advanced Site Characterization Tools, and Optimizing In Situ Remediation Performance & Injection Strategies.

Learn more and register [here](#). [Olonoff]

ITRC PFAS Training Class Attracts More Than 300 Attendees



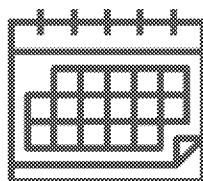
Attendees at the Michigan PFAS training.

The Interstate Technology & Regulatory Council (ITRC) held a well-attended PFAS training class December 13 in Grand Rapids, Michigan. More than 300 environmental professionals convened to learn about PFAS regulations, site characterization, sampling, AFFF, treatment technologies, risk assessment, and risk communication.

ITRC thanks its partners in Michigan for helping organize the event. More than 150 state employees from the Michigan Department of Environmental Quality, Department of Health and Human Services, and city/local government attended.

The next ITRC PFAS training class will be held **January 10** in Atlanta. The class is free, and travel scholarships are available for state/city/local staff and tribal members.

Click [here](#) for more information, or contact [Tadbir Singh](#) of ECOS. [Olonoff]



Upcoming Events

U.S. EPA on ORD Technical Support Centers

U.S. EPA's Office of Research and Development will host its monthly Tools and Resources webinar on **December 17 at 3-4 p.m. Eastern** to discuss its Technical Support Centers, which provide technical assistance to EPA regional and program offices for contaminated site cleanup.

To learn more about the centers and how to access their support, register for the webinar [here](#). [Longsworth]

U.S. EPA on Disaster Recovery Response Tool

U.S. EPA will host a webinar on **December 18 at 2:30-3:30 p.m. Eastern** to highlight EPA Region 5's innovative [Disaster Debris Recovery Tool](#). The tool promotes effective recovery, recycling, and disposal of disaster debris for federal, state, tribal, and local emergency planners and responders. Through the E-Enterprise initiative, the tool will expand in 2019 to 35 states and be accessible through the [E-Enterprise Portal](#).

Register for the webinar [here](#). [Parisien]

U.S. EPA on ECHO

States are invited to join U.S. EPA for its next Intro to ECHO (Enforcement and Compliance History Online) webinar on **December 18**. This webinar is one in a series that provides basic demonstrations of searching and navigating the website. Participants will learn how to use ECHO in your communities and workplaces to identify facility history with compliance and enforcement. Note that this webinar is repeated every six months. Registration will open soon [here](#).

The subsequent ECHO Webinar will be held in March 2019, with details posted on the ECHO training page in early 2019. Topics for future webinars will be selected based on [user feedback](#), and every six months U.S. EPA will highlight a new tool.

For more information, contact [Rebecca Kane](#) of EPA. [Piper]

Colorado State University on Oil & Gas Equivalency

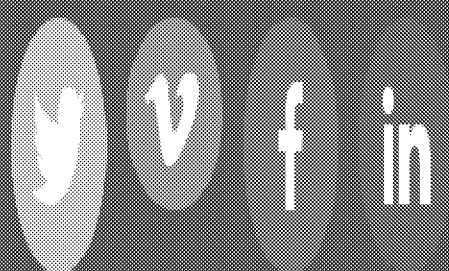
For those interested in the ongoing ECOS Shale Gas Caucus effort to promote oil and gas alternative air compliance pathways, you may want to attend the Colorado State University (CSU) *Path to Equivalency Workshop*. The meeting is planned for **January 8-9** in Fort Collins, Colorado. Participants must RSVP for the event.

To reserve or to receive more information, contact [Kristine Bennett](#) of Colorado State University. [Parisien]

ITRC on Managing LNAPL, Geospatial Analysis, and Fractured Rock

ITRC is excited to release its 2019 online training schedule. All online training classes are free and open to everyone. In January 2019, ITRC is offering five classes on Managing LNAPL Sites, Geospatial Analysis, and Fractured Rock.

Learn more about ITRC's training program and register for classes [here](#). [Olonoff]



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